

Statement of John Conyers, Jr.
Markup: H.R. 1913, the “Hate Crimes Prevention Act”
April 22, 2009

At one time lynchings were commonplace in our nation. Nearly 4,000 African-Americans were tortured and killed between 1880 and 1930. During this same period and thereafter, religious groups like Jews and the Mormons were also subject to attack because of their beliefs. As we all know too well, hate violence against minority groups – most recently focused on gay, transgender and Muslim communities – has a long and ignominious history that continues even today.

Bias crimes are disturbingly prevalent and pose a significant threat to the full participation of all Americans in our democratic society. The FBI has the best national data on reported hate crime, though the program is voluntary. Since 1991, the FBI has documented over 118,000 hate crimes. For the year 2007, the most current data available, the FBI compiled reports from law enforcement agencies across the country identifying 7,624 bias-motivated criminal incidents that were directed against an individual because of their personal characteristics.

As in the past, racially-motivated bias accounted for more than half (50.8 %) of all incidents. Religious bias accounted for 1,400 incidents (18.4 %) and sexual orientation bias accounted for 1,265 incidents – (16.6 %), followed by ethnicity/national origin bias with 1007 incidents – (13.2%). While these numbers are disturbing, it is important to note that, for a variety of reasons, hate crimes are seriously under-reported.

To protect the nation against this hate violence, I have introduced the Hate Crimes Prevention Act for the last decade, with ever increasing support. This legislation will provide assistance to state and local law enforcement agencies and amend federal law to facilitate the investigation and prosecution of violent, bias-motivated crimes. Last Congress, this legislation was approved by this Committee and passed the House with bipartisan support by a vote of 237-180. Bipartisan majorities also voted in favor of hate crime

legislation in the 109th, 108th and 106th Congresses.

The bill has attracted the support of over 300 civil rights, education, religious, and civic organizations (including the LCCR, HRC and ADL). Importantly, virtually every major law enforcement organization in the country has endorsed the bill – including the International Association of Chiefs of Police, the National District Attorneys Association, the National Sheriffs Association, the Police Executive Research Forum, and 31 state Attorneys General.

Despite the deep impact of hate violence on communities, current law limits federal jurisdiction over hate crimes to incidents directed against individuals on the basis of race, religion, color or national origin – but only when the victim is targeted because he/she is engaged in a federally protected activities, such as voting. Further, the statutes do not permit federal involvement in a range of cases where crimes are motivated by bias against the victim's perceived sexual orientation, gender, gender identity, or disability. The federal government must have authority to be involved in investigating and prosecuting these crimes when state authorities cannot or will not do so.

This legislation will strengthen existing federal law in the same way that the Church Arson Prevention Act of 1996 helped federal prosecutors combat church arson: by addressing the unduly rigid jurisdictional requirements under federal law. The bill only applies to bias-motivated violent crimes and does not impinge public speech, religious expression, or writing in any way. In fact, the measure includes an explicit First Amendment free speech protection for the accused modeled on the existing Washington state hate crimes statute.

State and local authorities currently prosecute the overwhelming majority of hate crimes and will continue to do so under this legislation. The federal government will continue to defer to state and local authorities in the vast majority of cases; the Attorney General or other high ranking Justice Department official must approve any

prosecutions undertaken pursuant to this law, ensuring federal restraint.

However, in appropriate circumstances, the federal government will be able to provide support for local prosecutions -- an intergovernmental grant program created by this legislation will make Justice Department technical, forensic or prosecutorial assistance available. The legislation also authorizes the Attorney General to make grants to state and local law enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

The Local Law Enforcement Hate Crimes Prevention Act of 2009 is a constructive and measured response to a problem that continues to plague our nation. Hate crime statistics do not speak for themselves. Behind each of the statistics is an individual or community targeted for violence for no other reason than race, religion, ethnicity, sexual orientation, gender, gender identity, or disability.

Law enforcement authorities and civic leaders have learned that a failure to address the problem of bias crime can cause a seemingly isolated incident to fester into wide spread tension that can damage the social fabric of the wider community. This problem cuts across party lines, and I am glad to be joined by so many of my colleagues on both sides of the aisle in supporting this legislation today. These are crimes that shock and shame our national conscience and should be subject to comprehensive federal law enforcement assistance and prosecution.